

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:04CV571-MU

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TWO FIREARMS SEIZED ON OR )  
 ABOUT JULY 26, 2004, IN CHARLOTTE, )  
 NORTH CAROLINA, )  
 )  
 Defendant. )

**DEFAULT JUDGMENT OF  
FORFEITURE**

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P.  
55(b)(2) for a default judgment of forfeiture against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on November 16, 2004. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the government duly seized the defendant property. Service of process was made by publication of notice in The Mecklenburg Times on December 23 and 30, 2005, and January 6, 2006.
3. No person has filed a verified claim or an answer within the time allowed by law, and the Clerk has accordingly entered default.
4. Based on the affidavit of ATF Special Agent Rodney Blacknall, filed with the complaint, the government has shown probable cause to believe that the defendant property was involved in or used in a knowing violation firearms crimes in violation of 18 U.S.C. §922(a)(6) and §924(a)(1)(A) and/or was possessed in furtherance of a drug trafficking crime in violation of 18 U.S.C. §924(c)(1)(A), and/or was used or intended to be used to facilitate violations of 21 U.S.C. §§801 et seq., and that it is therefore subject to forfeiture under 18 U.S.C. §924(d)(1) and/or 21 U.S.C. §881(a)(11).

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein:
  - (a) One Mossberg 500A Shotgun, serial number L981868; and,
  - (b) One Smith & Wesson Lady Smith Revolver, serial number CBT 1869.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: March 15, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

